

FEDERAL REGISTER

VOLUME 4

NUMBER 85

Washington, Wednesday, May 3, 1939

The President

CACHE NATIONAL FOREST—IDAHO AND UTAH
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS it appears that the public lands in the hereinafter-described area in Utah within a grazing district established by the Secretary of the Interior April 8, 1935, under the provisions of the act of June 28, 1934, c. 865, 48 Stat. 1269, lie within a watershed forming a part of the Cache National Forest and can best be administered in connection with such national forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 13 of the aforesaid act of June 28, 1934, as amended (U. S. C., title 43, sec. 315L), section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), do proclaim that the following-described lands are hereby transferred from the grazing district and included in and made a part of the Cache National Forest, and that such lands shall be subject to all the laws and regulations relating to national forests:

Salt Lake Meridian

T. 5 N., R. 1 E.,
sec. 1, all,
secs. 9 to 24, inclusive,
sec. 26, N $\frac{1}{2}$,
sec. 27, N $\frac{1}{2}$,
sec. 28, N $\frac{1}{2}$,
sec. 29, N $\frac{1}{2}$,
sec. 30, N $\frac{1}{2}$;

T. 7 N., R. 1 E.,
secs. 1 to 5, inclusive,
sec. 8, NE $\frac{1}{4}$,
secs. 9, 10, 11, 13 and 15,
sec. 16, N $\frac{1}{2}$ and SE $\frac{1}{4}$,
sec. 22, N $\frac{1}{2}$,
sec. 23, all,
sec. 25, N $\frac{1}{2}$,
sec. 26, N $\frac{1}{2}$;

T. 8 N., R. 1 E.,
secs. 1, 2, 3, 5, 6 and 7,
secs. 9 to 17, inclusive,
sec. 19, all,
secs. 21 to 36, inclusive;

T. 9 N., R. 1 E.,
secs. 1, 12, 13 and 19,
secs. 24 to 29 and 31 to 36, inclusive;

T. 10 N., R. 1 E.,
secs. 13, 24, 25 and 36;

T. 5 N., R. 2 E.,
secs. 1 to 29, inclusive,
sec. 30, E $\frac{1}{2}$;

T. 6 N., R. 2 E.,
secs. 1, 2, 3 and 4,
sec. 5, E $\frac{1}{2}$,

sec. 9, NE $\frac{1}{4}$,
sec. 10, N $\frac{1}{2}$,
sec. 11, N $\frac{1}{2}$,
secs. 13, 23, 24, 25 and 26,
sec. 27, S $\frac{1}{2}$,
sec. 28, S $\frac{1}{2}$,
sec. 29, all,
sec. 30, S $\frac{1}{2}$,

secs. 31 to 36, inclusive;

T. 7 N., R. 2 E.,
secs. 1 to 9, inclusive,
secs. 11, 13, 15, 16, 17, 19, 21, 23, 24, 25, 27
and 29,

sec. 31, NE $\frac{1}{4}$,
sec. 32, N $\frac{1}{2}$,
secs. 33, 35 and 36;

Tps. 8 and 9 N., R. 2 E., all;

T. 10 N., R. 2 E.,
sec. 2, all,
sec. 7, S $\frac{1}{2}$,
sec. 9, all,
secs. 13 to 36, inclusive;

T. 11 N., R. 2 E.,
sec. 32, all;

T. 5 N., R. 3 E.,
secs. 2 to 11, 14 to 22 and 28 to 30, in-
clusive;

T. 6 N., R. 3 E.,
secs. 1 to 5 and 7 to 25, inclusive,
secs. 27, 29, 31, 32, 33, 35 and 36;

T. 7 N., R. 3 E.,
secs. 2 to 9 and 11 to 21, inclusive,
secs. 24 and 25,
secs. 27 to 36, inclusive;

T. 8 N., R. 3 E., all;
T. 9 N., R. 3 E.,
secs. 1 to 18, inclusive,
secs. 21, 22, 23, 25 and 26,
secs. 28 to 36, inclusive;

T. 10 N., R. 3 E.,
sec. 2, all,
sec. 7, lots 2 to 16, inclusive, and SE $\frac{1}{4}$,
sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$,
secs. 12, 13, 16, 18, 19, 22, 24, 27 and 28,
secs. 30 to 34, inclusive,
sec. 36, all;

T. 11 N., R. 3 E.,
sec. 25, S $\frac{1}{2}$,
sec. 36, all;

T. 6 N., R. 4 E.,
secs. 1, 2, 3, 5, 7, 9, 11, 12 and 13,
secs. 15 to 21, inclusive,
secs. 23, 24, 25 and 27,
secs. 29 to 33, inclusive,
secs. 35 and 36;

T. 7 N., R. 4 E.,
secs. 2, 3, 4, 7, 10, 12, 13, 15, 16 and 17,
secs. 19 to 27, and 29 to 36, inclusive;

CONTENTS

THE PRESIDENT

Proclamation:	Page
Cache National Forest—Idaho and Utah.....	1763

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:

Bureau of Agricultural Econom-
ics:

Fruits, vegetables, and other products, rules and regu- lations governing inspec- tion.....	1764
--	------

TITLE 9—ANIMALS AND ANIMAL PRODUCTS:

Bureau of Animal Industry:

Vernon National Market and Feed Yard, notice under Packers and Stockyards Act.....	1765
---	------

TITLE 24—HOUSING CREDIT:

Home Owners' Loan Corpora-
tion:

Borrower's settlement agent..	1765
Purchase of supplies and equipment not exceeding \$25.00.....	1765
Purchases by Regional and State Managers.....	1765

TITLE 42—PUBLIC HEALTH AND EDUCATION:

Public Health Service:

Parrots, etc., importation of..	1766
---------------------------------	------

NOTICES

Civil Aeronautics Authority:

Applications for certificates of
public convenience and ne-
cessity:

Braniff Airways, Inc.....	1768
Continental Air Lines, Inc....	1768
Boston-Maine Airways, Inc., ap- plication for an order fixing fair and reasonable rate of compensation for transpor- tation of mail on Air Mail Route No. 27.....	1768

(Continued on next page)



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

Department of the Interior:	
National Bituminous Coal Commission:	
Arkansas-Oklahoma Smokeless Coals, Inc., application for provisional approval as a marketing agency	1767
Securities and Exchange Commission:	
Orders consenting to withdrawal of applications:	
Edward Durant Investment Co.	1769
Foster Petroleum Corporation	1769
New England Gas and Electric Association	1769
Unlisted trading privileges, applications granted:	
Cleveland Stock Exchange:	
American Home Products Corporation	1769
New York Curb Exchange:	
Indianapolis Power & Light Co., North Boston Lighting Properties, Ohio Public Service Co., Pennsylvania Electric Co.	1768
War Department:	
Medical Corps, regular army, examination for appointment in	1767

T. 9 N., R. 4 E., sec. 2, all, sec. 19, S½, secs. 23, 26, 27, 29, 30, 31, 32, 34, 35 and 36;	
T. 10 N., R. 4 E., secs. 2, 3, 4, 5, 7, 11, 16, 18 and 36;	

T. 11 N., R. 4 E., secs. 2, 3, 10, 11, 14, 15, 16, 22 and 23, secs. 26 to 32, inclusive;	
T. 12 N., R. 4 E., sec. 36, all;	
T. 6 N., R. 5 E., secs. 1, 2, 3 and 4, secs. 6 to 11, inclusive, secs. 13, 15, 16 and 17, secs. 19 to 23, inclusive, secs. 25, 27, 28 and 29, secs. 31 to 36, inclusive;	
T. 7 N., R. 5 E., secs. 1, 2, 3, 5, 6, 7, 9, 11, 13, 15, 16, 17, 19, 20, 21, 23, 25, 26, 27 and 29, secs. 31 to 36, inclusive;	
T. 10 N., R. 5 E., secs. 16 and 32;	
T. 11 N., R. 5 E., sec. 16;	
T. 6 N., R. 6 E., secs. 3, 4, 5, 7, 9, 10, 15, 16, 17, 19, 21 and 22, secs. 25 to 36, inclusive;	
T. 7 N., R. 6 E., secs. 7, 17, 18, 19, 21, 27, 29, 31, 32, 33 and 34;	
T. 5 N., R. 1 W., secs. 13, 14 and 24, sec. 25, N½; aggregating 392,686 acres.	

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public land laws or which are reserved for any public purpose, be subject to, and shall not interfere with or defeat such legal rights or prevent the use for such public purpose of lands so reserved, so long as such rights are legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 28th day of April, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2333]

[F. R. Doc. 39-1491; Filed, May 2, 1939; 12:04 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

[Chapter I—Part 51]

RULES AND REGULATIONS OF SECRETARY OF AGRICULTURE GOVERNING INSPECTION AND CERTIFICATION OF FRUITS, VEGETABLES, AND OTHER PRODUCTS

AMENDMENT NO. 3 TO SERVICE AND REGULATORY ANNOUNCEMENTS NO. 93,¹ SECOND REVISION

By virtue of authority vested in the Secretary of Agriculture by the provision

¹ F. R. 654.

in the act of Congress entitled "An act making appropriations for the Department of Agriculture * * * for the fiscal year ending June 30, 1939," approved June 16, 1938, (52 Stat. 740), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby give public notice of the following amendments to become effective immediately to the Rules and Regulations of the Secretary of Agriculture governing the inspection and certification of fruits, vegetables, and other products (Service and Regulatory Announcements No. 93, Second Revision) approved June 24, 1936.

Amend the first sentence of Regulation 4, Section 15 (Sec. 51.19),* to read:

§ 15. *Certificates—issuance.*—The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of less-than-carload lots a single certificate may be issued to cover all such lots.

Amend Regulation 7, Section 1, Paragraph 1 (Sec. 51.34 (a))* to read:

PARAGRAPH 1. (a) *Basis for charges.* The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except peanuts, pecans, and other nuts, and under section 14 of regulation 4, (Sec. 51.18)* shall be on the following basis: (1) For an inspection covering quality and condition, \$4 when the quantity involved is more than ½ a carload of the maximum customary size for such products but not more than a full carload, and \$2.50 when the quantity involved is not more than ½ of such a carload; (2) For a condition inspection, \$2.50 when the quantity is not more than a carload of maximum customary size; but the maximum fee for any carload not exceeding the maximum customary size shall be \$7.50. For each lot of peanuts, pecans, or other nuts inspected, except under section 14 of regulation 4 (Sec. 51.18)* the fee shall be \$5 when the quantity involved is not more than a full carload, provided that different grades and varieties of peanuts shall be considered separate lots. When the lot involved is in excess of a carload or is not contained in cars, the quantity shall be calculated in terms of carloads and fractions thereof of the maximum customary size for such carloads and the rates aforesaid applied, except that when inspections are made on which formal certificates are not issued, as provided in regulation 4, section 14, (Sec. 51.18)* or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carload basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by

*Code of Federal Regulations section numbers.

the inspector in connection with such inspections, computed at the rate of not to exceed \$2 per hour, or the charges may be based upon the number of pounds or number of containers examined, provided such charges are in substantial conformity with the hourly or carload rate.

Amend Regulation 7, Section 4 (Sec. 51.37)* to read:

§ 4. *Refunds.* Upon filing a declaration of his intention to avail himself of this privilege any applicant who shall have paid for 500 or more carload inspections of fruits and vegetables for quality and condition in any one market within the period of one year immediately following such filing shall receive a refund from the Department at the rate of \$1.50 per carload for the first 500 cars. For inspections in excess of 500 cars the fee shall be \$2.50 per carload for the remainder of the year unless the total number exceeds 1,000, in which event the applicant shall be entitled to a further refund at the rate of \$0.50 per carload for the entire number so inspected. Any applicant who shall have paid for 1,000 or more carload inspections of fruits and vegetables for condition in any one market within the period of one year immediately following such filing shall receive a refund from the Department at the rate of \$0.50 per carload for the first 1,000 cars. For inspections in excess of 1,000 cars the fee shall be \$2 per car during the remainder of the year: *Provided*, That any applicant who has filed a declaration of his intention to avail himself of the refund privilege provided in this section within one year previous to the date of approval of this amendment shall be entitled to the \$1.50 refund on condition inspections made before said date of approval if the applicant shall have had 500 cars inspected within the year: *Provided further*, That if at any time before the first 1,000 cars are inspected for such applicant the Bureau is unable during a continuous period of 30 days to furnish inspections when requested said refund of \$1.50 per car shall be made on such cars as have been inspected up to that time on which a refund has not been made: *And further provided*, That in computing the number of carlot fees for the purposes of this section the total of fees paid by an applicant for refund on any basis of charges other than the carlot as provided in Regulation 7, Section 1, Paragraph 1, (Sec. 51.34 (a))* shall be reduced to a carlot basis by dividing by 4.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 1st day of May 1939.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-1497; Filed, May 2, 1939; 12:25 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

MAY 1, 1939.

TO VERNON NATIONAL MARKET AND FEED YARD, Stockyard owner, at Vernon, State California:

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as the Vernon National Market and Feed Yard, at Vernon, State of California, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-1496; Filed, May 2, 1939; 12:25 p. m.]

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 745]

PART 407—TREASURY

BORROWER'S SETTLEMENT AGENT

Amending Part 407 of Title 24 of the Code of Federal Regulations.

§ 407.50-19 is amended to read as follows:

When the debtor who intends to pay a loan in full does not desire to transmit the necessary moneys to the Corporation in advance of obtaining a release, the settlement may be handled through an escrow agent, provided, that the agent selected by the debtor is acceptable to the Corporation. No expense incurred by or fees due such escrow agent shall be paid by the Corporation.

Subject to approval by the Regional Manager, with the advice of the Regional Counsel, any institution or individual of known responsibility, such as a National Bank, a member bank of the Federal Reserve System, a member of the Federal Home Loan Bank System, a Title Company, or an Attorney, shall be acceptable to act as an escrow agent, provided such institution or individual executes the agreement, Form RO-TR-351, regarding the payment of moneys due the Corpora-

tion. No release or cancellation of the evidence of indebtedness shall be transmitted to such approved institution or individual until the properly executed agreement, Form RO-TR-351, has been received by the Regional Treasurer.

After receipt of the properly executed agreement Form RO-TR-351, from the approved escrow agent the Regional Treasurer shall transmit by registered mail to said agent the release, cancellation of evidence of indebtedness and any papers to which the borrower is entitled, as specified by the Regional Counsel, accompanied by Form RO-95-A.

A remittance received from an escrow agent in such cases shall be considered as having been received by the Corporation on the date the remittance was mailed by the agent, as evidenced by the postmark on the envelope.

(Effective May 1, 1939.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39-1484; Filed, May 1, 1939; 3:48 p. m.]

PART 410—PURCHASE AND SUPPLY

PURCHASE OF SUPPLIES AND EQUIPMENT NOT EXCEEDING \$25.00

Amending Part 410 of Title 24 of the Code of Federal Regulations.

§ 410.03 is amended to read as follows:

§ 410.03 Purchase of supplies and equipment not exceeding \$25.00 in any one instance may be made by Regional or State Managers, under limitations and procedure prescribed by the General Manager with the approval of the General Counsel.

(Effective May 1, 1939.)

(Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Adopted by the Federal Home Loan Bank Board on April 10, 1939.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39-1482; Filed, May 1, 1939; 3:47 p. m.]

[Administrative Order No. 1017]

PART 410—PURCHASE AND SUPPLY

PURCHASES BY REGIONAL AND STATE MANAGERS

Amending Part 410 of Title 24 of the Code of Federal Regulations.

¹ Modifies list posted stockyards 9 CFR 204.1.

§ 410.03-1 is amended to read as follows:

Regional or State Managers may purchase supplies in amounts not to exceed \$25.00 in any one instance without prior approval from the Home Office Purchase and Supply Section: *Provided, however,* That such authority shall not extend to typewriter repair charges exceeding \$10.00 or to the purchase of nonexpendable equipment. Prior authority must be obtained from the Home Office where the amount involved will exceed \$25.00.

Properly prepared, certified and approved vouchers in duplicate shall be transmitted direct to the Purchase and Supply Section in the Home Office supported by Form 6 in triplicate, prepared in accordance with form instructions, and if approved shall be forwarded to the Auditor.

Such vouchers offering a cash discount shall be forwarded immediately.

A memorandum in duplicate must be prepared for any purchase of an unusual nature setting forth full justification, and shall be attached to the respective voucher.

Vouchers should be prepared by the respective contractors. However, vouchers may be prepared by the originating office from the vendor's certified invoice quoting "Certified Invoice Attached" in the space provided for payee's signature on the original voucher only. Vendor's certified invoice without the supporting voucher will not be accepted in the Home Office.

In the event of any exception the voucher will be returned to the originating office for clearance.

No confirming requisition or confirming purchase order will be issued, nor will notification of payment be made.

An impression of all rubber stamps purchased locally shall accompany the voucher.

Recurring services, regardless of the amount involved, shall be governed by Art. 1007-2, and supplementary instructions.

(Effective May 1, 1939.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-1483; Filed, May 1, 1939; 3:47 p. m.]

TITLE 42—PUBLIC HEALTH AND EDUCATION

PUBLIC HEALTH SERVICE

[Chapter I]

IMPORTATION OF PARROTS, ETC.*

APRIL 28, 1939.

Pursuant to the authority contained in section 7 of the Act of February 15, 1893, 27 Stat. 452 (U.S.C. title 42, sec. 111), and Executive Order No. 5264 of January 24, 1930, the regulations governing the importation of birds of the parrot family into ports of the United States, revised December 20, 1933 (42 CFR 7.2-7.5) are hereby further revised so as to read as follows:

§ 7.2 *Birds of the parrot family; definition.* For the purpose of these regulations the term "birds of the parrot family" (Psittacidae) shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parrakeets, love birds, lorries, lorikeets, and all similar birds.*

§ 7.3 *Same; classification of shipments.* For the purpose of these regulations, any shipment of birds of the parrot family, for which entry at a United States port is sought, will be considered as falling into one of the three following classifications:

(a) *Privately owned shipment.* Not to exceed three birds of the parrot family, accompanied by the owner who will be required to certify that the birds have been in his possession for not less than two years, and that he has no intention of selling, bartering, giving away or publicly exhibiting them.

(b) *Shipments of birds for zoological exhibits or for scientific study.* Any number of birds of the parrot family imported by recognized institutions such as zoological gardens and parks, operating under public authority, or laboratories where scientific research is being carried out.

(c) *Commercial shipments.* Any number of birds of the parrot family not specifically covered by definitions (a) or (b) of this section.*

§ 7.4 *Same; conditions of entry.* Birds of the parrot family of an age greater than eight months may be permitted entry at United States ports designated by the Surgeon General of the Public Health Service from foreign ports or ports in the possessions and dependencies of the United States, under the following conditions:

(a) Permission to import birds of the parrot family for commercial purposes, for exhibit in zoological gardens or parks, or for scientific study must be secured

*The authority for sections 7.2 through 7.9 is sec. 7, 27 Stat. 452; 42 U.S.C. 111; EO. 5264, Jan. 24, 1930.

from the office of the Surgeon General of the United States Public Health Service by the person, firm, institution, organization or municipality proposing the importation. Formal application for permission to import must be made and the approval of the Surgeon General of the Public Health Service must be secured before the birds are actually placed in transit to a United States port.

The application must contain definite statements as to the purpose or purposes for which the birds are to be imported, the number of each species of bird to be imported and the scientific or common name of each species of bird to be included in the shipment. The application must also contain the names of the port or ports of origin of all of the birds and give the name and address of the consignee to whom the birds are to be delivered in the United States.

(b) The importation of birds of the parrot family shall be limited to the United States ports at which Federal quarantine detention facilities are maintained.

(c) Any shipment, other than a privately owned shipment as defined in section 7.3 (a), must be accompanied by a certificate from the duly constituted sanitary authority at place of origin to the effect that to the best of the knowledge and belief of such authority the particular birds contained in the shipment originated from an aviary, or other distributing establishment, free from psittacosis infection, as determined by inspection of birds and environment in which they have been reared and housed, and by the history of such establishment as regards psittacosis infection, supplemented by such laboratory examination of birds selected by a representative of the certifying authority as may be deemed necessary to enable the certifying authority to determine that the birds offered for shipment are free from psittacosis infection.

(d) Birds of the parrot family may be imported in such numbers as may be specified in the permit issued by the Surgeon General, but in no instance in numbers greater than can be reasonably accommodated by the facilities available at the quarantine station at the designated port of entry.

(e) All sick birds shall be removed from shipping crates as soon as discovered en route and maintained in a compartment separate from the shipment, or destroyed. The death of birds occurring en route from a foreign port shall be reported to the quarantine officer at the United States port of arrival.*

§ 7.5 *Same; same; commercial shipments.* (a) All commercial shipments shall be detained at the expense of the importing owner, at the quarantine station at the port of entry, for a six-month period of observation to enable the quarantine officer to satisfy himself that the birds are free from psittacosis.

(b) Shipments shall be removed from shipping crates upon arrival at the quarantine station and caged in fresh cages furnished by the importing consignee, and the used shipping crates shall be suitably disinfected. The birds of each respective shipment shall be detained separately. Trained and experienced caretakers shall be provided by the consignee to care for shipments held in quarantine detention; a charge of \$2.00 per day will be made for subsistence and lodging furnished to each of such caretakers; bills for subsistence and lodging must be paid to the local collector of customs prior to release of the shipment.

(c) A sample of every commercial shipment of birds of the parrot family shall be selected by the quarantine officer as a whole or in such parts and at such times as he may designate, which sample shall be submitted to a laboratory designated by the Surgeon General for examination for psittacosis infection. The sample will consist of 10% of all birds contained in the shipment when the shipment consists of 100 or more birds. Samples from shipments of fewer than 100 birds will consist of 10 birds except in a case where a shipment contains 20 or fewer birds, in which instance one-half of the shipment will be taken for laboratory examination.

(d) Should the laboratory examination of sample birds taken from a commercial shipment show the presence of psittacosis infection in one or more birds, all other birds in the shipment shall be destroyed and disposed of in a manner prescribed by the Surgeon General of the Public Health Service.

(e) No shipment shall be released from quarantine at the expiration of the period of detention in which illness is observed to occur. Birds becoming ill during quarantine detention shall be submitted by the quarantine officer to a designated laboratory for examination to determine if infected with psittacosis. Shipments thus detained shall be held until results of examination of ill birds are obtained. Should psittacosis infection be demonstrated, disposition of the shipment shall be as provided in section 7.5 (d).

(f) When a commercial shipment of birds is about to be released from detention provided for in section 7.5 (a), the State and local health officers within whose jurisdictions the final point of the shipment is located will be advised by the releasing quarantine officer of the origin of the shipment, the number of each species of bird released, the name and address of the consignee, the length of quarantine observation and the date of release therefrom.

(g) The quarantine officer shall issue, over his signature, a certificate of release from quarantine detention, worded as follows:

This will certify that a shipment consisting of _____ (number and species of birds) originating from _____ and consigned to _____ (give name and address of consignee) has

been held under observation at the U. S. Quarantine Station at _____ from _____ (date) to _____ (date) during which period of detention no actual or suspected case of psittacosis was detected among the birds comprising the shipment, that in _____ (number) birds of the shipment subjected to laboratory examination no psittacosis infection was found, and that upon completion of the period of observation the birds were apparently healthy and in good condition, and accordingly were released from quarantine detention on _____ (date).

(h) Imported shipments of birds of the parrot family requiring interstate transportation in order to be delivered direct to importing consignee are required to be accompanied by a foreign sanitary certificate of origin plus the certificate of release from quarantine at United States port of entry, which together will be accepted for direct interstate transportation of such birds to the importing consignee, in lieu of the certificate of origin called for under the Interstate Quarantine Regulations.

(i) Medical officers in charge of quarantine stations will retain in station files copies of all foreign sanitary certificates of origin covering imported shipments arriving at their port, together with copies of any certificates of release from quarantine issued for shipments satisfactorily completing the prescribed period of quarantine detention observation.*

§ 7.6 *Same; same; shipments destined to zoological gardens or parks or to research institutions.* Shipments of birds of the parrot family destined to zoological gardens or parks for exhibition, or to an established research institution for scientific study, will be permitted entry without detention at a quarantine station, provided assurance acceptable to the Surgeon General be given that detention and isolation will be carried out on the premises to which consignment is made.*

§ 7.7 *Same; same; privately owned shipments of not to exceed three birds.* Individual privately owned shipments of not to exceed three birds, if accompanied by the owner, will be permitted to enter without detention if the birds appear to be in good health on their arrival, as determined by inspection by a medical officer of the Public Health Service, provided the accompanying owner submits a sworn statement that the birds have been in his possession for at least two years immediately preceding their importation and that during that time the birds have had no contact with other birds of the parrot family. The accompanying owner must also certify that the birds will be transported immediately to his private residence where they will be domiciled as pets and will not be offered for sale, barter or as gifts or for public exhibition.*

§ 7.8 *Same; disposition of birds excluded under these regulations.* Birds of the parrot family excluded from entry under these regulations shall be destroyed or deported on the vessel upon which they arrive; provided that they may be transferred to some other vessel or vehicle in the same port for re-

shipment to a foreign port when approved by the quarantine officer of the port. Any vessel arriving from foreign ports or ports in the possessions or dependencies of the United States with birds of the parrot family on board not complying with these regulations may be permitted to enter port under provisional pratique, which shall be conditioned upon all such birds aboard being detained on board while in such United States port. All other public or private vehicles of transportation or persons transporting birds of the parrot family from foreign ports or places not complying with these regulations will be refused entry when so engaged.*

§ 7.9 *Same; prior regulations superseded.* Prior regulations governing the importation of birds of the parrot family are superseded by these regulations.*

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1492; Filed, May 2, 1939; 12:10 p. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

Examination for appointment in the Medical Corps, Regular Army. 1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, under the provisions of AR 605-10, will be held within the continental limits of the United States, July 17 to July 21, 1939, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after June 30, 1939, will not be considered. (Sec. IV, Cir. No. 23, WD, April 25, 1939)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-1485; Filed, May 2, 1939; 10:58 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 603-FD]

ORDER IN THE MATTER OF APPLICATION OF ARKANSAS-OKLAHOMA SMOKELESS COALS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

At a Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 1st day of May 1939.

It appearing that the above named applicant, Arkansas-Oklahoma Smokeless Coals, Inc., an Arkansas corporation authorized to engage in business in the State of Arkansas, filed its application

for provisional approval as a marketing agency on the 23rd day of January, 1939, pursuant to Order No. 6¹ of the Commission, and the matter being assigned to Trial Examiner M. J. Torlinski, and proper notice having been given, the same came on for hearing² before the said Examiner on the 20th day of February, 1939, and at said hearing, which was concluded on March 8, 1939, the facts in support of the application were stipulated under an agreement in writing signed and executed by the representatives of, and by and between the applicant on the one hand, and the Consumers' Counsel and the Legal Division of this Commission on the other hand, and the representatives of the Legal Division, of the Marketing Division, and of the Consumers' Counsel of the Commission appeared and were heard, and adequate opportunity was given to all interested parties to be heard, and evidence was adduced; and

It further appearing that the Trial Examiner having received said evidence did, on the 12th day of April, 1939, file, with the Commission, his report and proposed findings of fact, together with the recommendations that said application be granted, and it appearing that true copies of said report and proposed findings of fact of the Examiner were duly served upon all parties appearing at said hearing, on the 14th day of April, 1939, and more than 15 days having elapsed since the service of said report, no exceptions having been filed thereto; and

The Commission having considered the application, the Report, the Proposed Findings of Fact, and recommendation of the Examiner, and being fully advised of the evidences as the same is contained in the official transcript thereof, finds that the "Findings of Fact" as proposed by the Examiner are in all respects true and correct, and are hereby adopted as the findings of the Commission.

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the application of the Arkansas-Oklahoma Smokeless Coals, Inc., for provisional approval as a marketing agency, be and the same is hereby granted, and the said Arkansas-Oklahoma Smokeless Coals, Inc., be and the same is hereby considered to be a marketing agency and provisionally approved as such within the purview of Section 12 of the Bituminous Coal Act of 1937 until further order of the Commission.

By order of the Commission.

Dated this 1st day of May, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-1493; Filed, May 2, 1939;
12:18 p. m.]

¹ 2 F.R. 1078.

² 4 F.R. 487 DI.

CIVIL AERONAUTICS AUTHORITY.

Before the Civil Aeronautics Authority

[Docket No. 219]

IN THE MATTER OF THE APPLICATION OF BOSTON-MAINE AIRWAYS, INC., FOR AN ORDER FIXING FAIR AND REASONABLE RATE OF COMPENSATION FOR TRANSPORTATION OF MAIL ON AIR MAIL ROUTE No. 27

NOTICE OF HEARING

Please take notice that on May 8, 1939, at 2 o'clock p. m. (Eastern Standard Time) in Room 5044, Department of Commerce Building, Washington, D. C., a public hearing in the above-entitled matter will be conducted before the Authority.

Dated Washington, D. C., April 29, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1498; Filed, May 2, 1939;
12:49 p. m.]

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 28th day of April 1939.

[Docket No. 2-401 (E)-2]

IN THE MATTER OF THE APPLICATION OF CONTINENTAL AIR LINES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (2) OF THE CIVIL AERONAUTICS ACT OF 1938

[Docket No. 150]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (2) OF THE CIVIL AERONAUTICS ACT OF 1938

ORDER

Continental Air Lines, Inc., and Braniff Airways, Inc. having filed applications for certificates of public convenience and necessity under Section 401 (e) (2) of the Civil Aeronautics Act of 1938; a full hearing¹ thereon having been held; the Authority upon consideration of the record of such proceedings having issued its opinion containing its findings,² conclusions³ and decision,³ which is attached hereto and made a part hereof; and finding that its action in this matter is necessary pursuant to said opinion:

It is ordered, That there be issued to Continental Air Lines, Inc., a certificate⁴ of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Wichita, Kans., the intermediate points Hutchinson, Dodge City, and Garden City, Kans., La Junta, Colo., and the terminal point Pueblo, Colo.

It is further ordered, That the exercise of the privileges granted by said certi-

¹ 4 F.R. 245, 1433 DI.

² Filed as a part of this order.

cate shall be subject to the terms, conditions, and limitations prescribed by Regulation 401-F-1⁵ issued by the Authority on February 24, 1939, all amendments thereto, and such other terms, conditions, and limitations as may from time to time be prescribed by the Authority.

It is further ordered, That said certificate shall be issued in the form attached hereto and shall be signed on behalf of the Authority by the Chairman of the Authority and shall have affixed thereto the seal of the Authority attested by the Secretary. Said certificate shall be made effective from the 28th day of April 1939.

It is further ordered, That the application of Braniff Airways, Inc., for a certificate² of public convenience and necessity authorizing it to engage in air transportation with respect to persons, property and mail between the terminal point Wichita, Kans., the intermediate points Hutchinson, Dodge City, and Garden City, Kans., La Junta, Colo., and the terminal point Pueblo, Colo., be denied. By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1499; Filed, May 2, 1939;
12:49 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the first day of May, A. D. 1939.

[File No. 7-310]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN PENNSYLVANIA ELECTRIC COMPANY FIRST AND REF. MORTGAGE 5% BONDS, SERIES "H," DUE APRIL 15, 1962

[File No. 7-309]

NORTH BOSTON LIGHTING PROPERTIES SECURED NOTES, 3½% SERIES, DUE OCTOBER 1, 1947

[File No. 7-338]

INDIANAPOLIS POWER & LIGHT COMPANY FIRST MORTGAGE BONDS, 3¾% SERIES, DUE AUGUST 1, 1968

[File No. 7-339]

THE OHIO PUBLIC SERVICE COMPANY FIRST MORTGAGE BONDS, 4% SERIES, DUE AUGUST 1, 1962

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The New York Curb Exchange having made application to the Commission, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to Pennsylvania Electric

⁵ 4 F.R. 1029 DI.

Company First and Ref. Mortgage 5% Bonds, Series "H," due April 15, 1962; North Boston Lighting Properties Secured Notes, 3½% Series, due October 1, 1947; Indianapolis Power & Light Company First Mortgage Bonds, 3¾% Series, due August 1, 1968; The Ohio Public Service Company First Mortgage Bonds, 4% Series, due August 1, 1962; and

A hearing¹ having been held in this matter after appropriate notice and the Commission having this day made and filed its findings herein;

It is ordered, That the applications of the New York Curb Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to Pennsylvania Electric Company First and Ref. Mortgage 5% Bonds, Series "H," due April 15, 1962; North Boston Lighting Properties Secured Notes, 3½% Series, due October 1, 1947; Indianapolis Power & Light Company First Mortgage Bonds, 3¾% Series, due August 1, 1968; and The Ohio Public Service Company First Mortgage Bonds, 4% Series, due August 1, 1962, be and the same hereby are granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1486; Filed, May 2, 1939;
11:07 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the first day of May, A. D. 1939.

[File No. 7-260]

IN THE MATTER OF APPLICATION BY THE CLEVELAND STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN AMERICAN HOME PRODUCTS CORPORATION COMMON CAPITAL STOCK, \$1 PAR VALUE

[Securities Exchange Act—Section 12 (f)]

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Cleveland Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to American Home Products

¹ 4 F.R. 257 DI.

Corporation Common Capital Stock, \$1 Par Value; and

A hearing¹ having been held in this matter after appropriate notice and the Commission having this day made and filed its findings herein;

It is ordered, That the application of the Cleveland Stock Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to American Home Products Corporation Common Capital Stock, \$1 Par Value, be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1487; Filed, May 2, 1939;
11:07 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1939.

[File No. 31-327]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

[Public Utility Holding Company Act of 1935—Secs. 3 (a) (1), 3 (b), 3 (d)]

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER SECTIONS 3 (A) (1), 3 (B), AND 3 (D) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Upon the request of New England Gas and Electric Association for withdrawal of its Application, filed under Sections 3 (a) (1), 3 (b), and 3 (d) of the Public Utility Holding Company Act of 1935, asking, on behalf of itself and its subsidiary companies, for exemption from the provisions of said Act, and from all obligations, duties and liabilities imposed upon holding companies and subsidiaries or affiliates of holding companies under any provision of said Act, the Commission consents to the withdrawal of such Application, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1488; Filed, May 2, 1939;
11:07 a. m.]

¹ 3 F.R. 2611 DI.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1939.

[File No. 31-459]

IN THE MATTER OF THE APPLICATION OF EDWARD DURANT INVESTMENT COMPANY

ORDER CONSENTING TO WITHDRAWAL UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant the Commission consents to the withdrawal of the application of the above-named applicant and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1489; Filed, May 2, 1939;
11:08 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1939.

[File No. 31-458]

IN THE MATTER OF THE APPLICATION OF FOSTER PETROLEUM CORPORATION

ORDER CONSENTING TO WITHDRAWAL UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant the Commission consents to the withdrawal of the application of the above-named applicant filed pursuant to Section 2 (a) (7) and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1490; Filed, May 2, 1939;
11:08 a. m.]

